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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/607,895

**Applicant(s)**

KREINER ET AL.

**Examiner**

TUAN A. VU

**Art Unit**

2193

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/03/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 20-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 06/27/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the Applicant's response filed 9/03/08.

As indicated in Applicant's response, claims 1, 20-21, 26, 30 have been amended.

Claims 1-10, 12, 20-30 are pending in the office action.

#### ***Specifications***

2. The disclosure is objected to because of the following informalities: para 0035, pg. 13 amount to misuse of syntax leading to inaccurate semantic that would not be consistent with the corresponding context being described (e.g. Fig. 2-3), as following:

The phrase 'At step 316, OS 210a may execute the *native format* instruction that is being translated so that output is generated ... system 112 as well as at client ... system 116' (bottom of 1<sup>st</sup> paragraph) is not consistent with step 316 (Fig. 3). The execution of native instructions by a server OS to yield output data at system 112a (i.e. prior to the transmit 318 step of any XML being outputted) is not what this step 316 is representing: the output generated therein is XML not native code, hence no execution of native code disclosed in step 316. Nor is there any output being generated as the result of that 'native format' execution to yield output at the server AS WELL AS (emphasis added) at client system 116.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 26, 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, claim 26 recites 'at the second computer, ... receiving data from the second operating system related to the second user input... data defining first system output instruction ... relating to first input instruction ... incompatible with the first operation system'; then 'creating ... a second software object in ... non-proprietary format' then 'transmitting ... second software object from the second computer to the first computer'. The above step (underlined) of *receiving from the second operating system of data defining first output instruction compatible with the second operating system* BUT NOT with the first operating system is deemed nowhere described in the scenario represented by Figure 2-3 of the Specifications, because the output instruction data defining instruction **being non compatible with the first operating system** is not disclosed as being **received from the second operating system** anywhere **by any machine**; nor is this received data defining 'first system output instruction' (from the second operating system) disclosed as being **prior to** creating and **transmitting** of XML object back (from the second operating system, as claimed) to the first operating system, i.e. as received, this 'first output instruction' comes **from** the second operating system. One would not acknowledge that receiving data (from the second OS – or server) defining instruction that is not compatible with the OS of the first system OS (client) to be disclosed any where between step 316 and step 320 of Figure 3 of the Disclosure; and the only time that the client OS receives data is a non-

proprietary format (step 320) and this format does not necessarily describe instruction that would be non-usable on the client platform because that instruction is solely compatible with the server OS; which defeats the purpose of steps 320-322.

Step 320 in Figure 3, for example, discloses receiving from Server 112 data (recited as 'data defining a first system output instruction') defining input received from client 116a (recited as 'first user input instruction') in form of XML defining some output data (recited as 'a second user input instruction compatible with the second operating system and incompatible with the first operating system' – i.e. step 316) generated by the transmitting server 112 at step 318 (recited as 'transmitting the second software object'); hence clearly this XML data *being received from the server* – step 320 -- is related to information or instruction usable in both the client (first OS) and the server (second OS). So between step 318 and step 320, transmission and reception is clear as to what type of data form, a non-proprietary format that has nothing to do with compatibility of OS by any stretch of imagination. The Specifications (refer to Figure 3) as a whole does not teach a intermediate step where output instruction (related to user input) being executable only at the server end (step 314, 316) is **received at any machine from the server itself**; such that 'data defining a first system output instruction' *not compatible with the first client machine* is received from the server **prior to** the server (after translating output data into XML – step 318) creating of a XML object ('creating data defining a second software object') for transmission (step 320) and directed for being processed at the client operating system (step 322).

The above 'receiving data from the second operating system' will be treated as generating output instruction related to first input user input instruction at the server end prior to

(emphasis added) the server translating output data into a XML object to be retransmitted back to the first operating system.

Claim 29 fails to cure to the above lack of description, hence is also rejected for the reason that the inventor has no possession of the (above underlined) limitation at the time the invention was made.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10, 12, 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmenkaita et al., USPN: 2004/0176958 ( hereinafter Salmenkaita).

**As per claim 1**, Salmenkaita discloses a method for providing remote computer control of an application executing on a second computer from a first computer over a network, comprising:

receiving a first user input instruction by a proprietary first operating system running on the first computer for execution, the first user input instruction being operationally compatible with a first computer language of the first operating system (e.g. *voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D – Note: input commands at client reads on being compatibly proprietary to the user

machine) and operationally incompatible with a second computer language of a second operating system executing on the second computer (Note: voice input at client interface reads on operationally not used at server machine for direct execution thereof), the first operating system being incompatible with the second operating system thereby requiring the first user input instruction to be translated (*embed voice tags in a XML message* -- para 0056-0061, pg. 4-5 – Note: use of platform neutral XML reads on instruction from first user system not compatible with second system OS – see below) from the first computer language of the first operating system in order to be executed by the second operating system;

at the first computer, translating the first user input instruction from the first computer language of the first operating system into a non proprietary data script defining at least one XML item utilizing a first device driver resident in the operating system on the first computer (Fig. 3A; para 0172-0174, pg. 14; para 0167, pg. 13), wherein the first device driver formats the first user input instruction into at least one XML item (Fig. 3A; para 0167, pg. 13; *voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14; para 0232 pg. 19) corresponding to the first user input instruction;

transmitting the data script defining the at least one XML item from the first computer to the second computer (para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D);

translating the data script defining the at least one XML item into a second user input instruction the second computer language of a second operating system utilizing a second device driver in the second operating system on the second computer (e.g. step 736 – Fig. 7B; para 0258, pg. 21; steps 216, 240, 242, 244, 246 – Fig. 4D), wherein the second device driver translates the at least one XML item corresponding to the first user input instruction into the

second user input instruction, the second user input instruction being compatible with the second language of the second operating system running on the second computer and incompatible with the first computer language of the proprietary first operating system running on the first computer(xml 227 - Fig. 4c, 4d; services 440, 442, 444, 446, 448, 450 method calls – Fig. 6; *invoke ...method ... metadata vector* – para 0258, pg. 21--Note: server with proprietary services to effect recommendations fulfilling applications whose results are sent back to client wireless reads on not compatible with native environment of wireless client – see Fig. 5A), the second user input instruction being functionally similar to the first user input instruction for execution on the second computer (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0249, pg. 21; steps 364-366 Fig. 5A); and

executing the second user input instruction on the second computer (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0177, pg. 15; Fig. 4E; para 0225-0227, pg. 18; Fig. 5; *receive ... service 368* – Fig. 5A; Fig 7A-B; method calls – Fig. 6).

**As per claims 2-3**, Salmenkaita discloses wherein receiving said first user input instruction comprises receiving an instruction for outputting data or displaying data (e.g. display area 102B --Fig. 1; *recommended services* – Fig 2B-C; Figs. 3; *prepared updated MENU 224* – to device 100: *MENU message 509* – Fig. 4B, 4D – Note: selection by wireless user for a recommendation being serviced and updated by server for retransmission back to wireless client as updated recommendation MENU reads on instruction of data outputting)..

**As per claim 4**, Salmenkaita discloses receiving an instruction for outputting data which further comprises receiving an instruction for generating a sound (e.g. *audio metadata 125'* – Fig. 4B; *audio output* - para 0085, pg. 8).



**As per claims 5 and 7**, Salmenkaita discloses receiving said first user input instruction which comprises receiving an instruction for inputting data; an instruction indicating a computer keyboard input ( Fig. 1).

**As per claim 6**, Salmenkaita discloses HW input receiving via a touch pad, the use of touchpad in some small device to provide mouse functionality was equivalent to a mouse click (touch pad as in *Touch sensor* - para 0072, pg. 6; Fig. 1).

**As per claim 8**, Salmenkaita discloses wherein translating the first input instruction into a data script defining at least one XML item comprises generating a first XML tag defining the beginning of the XML item, generating a data item corresponding to the first input instruction, and generating a second XML tag defining the end of the XML item (e.g. Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12).

**As per claim 9**, Salmenkaita discloses transmitting the data using HTTP (e.g. Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

**As per claim 10**, Salmenkaita discloses wherein translating the data into a second instruction comprises identifying a first XML tag defining the beginning of an XML item, identifying a data item corresponding to an input instruction, identifying a second XML tag defining the end of an XML item (para 0232, pg. 19; *specification ... activity* – para 0156, pg. 11; para 0163-0164, pg. 12).

**As per claim 12**, Salmenkaita discloses a computer readable medium (refer to claim 1 for corresponding rejection) having computer-implementable instructions stored thereon for performing the method recited in claim 1.

**As per claim 20**, Salmenkaita discloses a system for remote computer access between computing systems with incompatible operating systems, comprising a first computing system having stored thereon software which when executed on the first computing system:

receives a user input via a first user interface of the first computing system (e.g. Fig. 4C; para 0051, pg. 4);

identifies user input instructions generated by a operating system on the first computer system in a first computer language (*voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D), the user input instructions relating to generating a system output via a second user interface (para 0272, pg. 22; browser - para 0279-282, pg. 23; browser 102 - Fig. 3A-C – Note: returned results from WAP servers to be displayed in mobile browser reads on output via a second interface of first computing system) of the first computing system in response to the user input,

translates the user input instructions into a first non-proprietary data script defining an outgoing software object corresponding to the user input instructions (e.g. para 0052-0061, pg. 4-5; voice tags - para 0172-0174, pg. 14), the translation being accomplished by a first device driver within the operating system on the first computing system,

transmits the outgoing software object to a second computing system (message 515 -Fig. 4C, D), and receives an incoming software object comprising a second non-proprietary data script from the second computing system (Fig. 4D; *message 515 ... to the network server 140* - para 0166-0167 pg. 13; para 0232, pg. 19) reflecting a response to the user input instructions (step 228 Fig. 4C )for execution on the second user interface of the first computing system (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C), wherein the

second data script is translated by the first device driver into a system output instruction in the first computer language being compatible with the operating system of the first computing system (para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C) and being incompatible with a second computer language of a second computing system (Note: results from servers being displayed as browser recommendations for user to evaluate reads on browser-specific rendered output by the WAP mobile device only, i.e. not compatible with server OS), the system output instruction then being executed on the first computer computing system as a system output via the second user interface.

**As per claim 21**, Salmenkaita discloses a method for providing remote computer access, comprising:

at a first computer, receiving outgoing instructions (e.g. *voice command* – Fig. 2A, 2D; receive voice command 282 – Fig. 4I; Fig 5A; user input 710-Fig 7A, input 730 – Fig. 7B; Fig. 4C-4D) relating to generating an output on the first computer from a first operating system in a first computer language executing on the first computer, the instructions being compatible with the first operating system and incompatible with a second operating system running on a second computer using a second computer language;

creating data defining a first XML item corresponding to the outgoing instructions, wherein the outgoing instructions are translated into the first XML element at the first computer (Fig. 3A; para 0167, pg. 13; *voice XML tags* -para 0052; *embed voice tags in a XML message* -- para 0056-0061, pg. 4-5; para 0172-0174, pg. 14; para 0232 pg. 19);

transmitting the first XML element from the first computer to the second computer (e.g. para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D);

at the first computer, receiving data from the second computer defining a second XML item (e.g. XML 250, Fig. 4G; XML 250 – Fig. 4E) in response to the outgoing instructions; creating incoming instructions relating to generating the output on the first computer from the data defining the second XML item (e.g. XML 250 – Fig 4G), wherein the incoming instructions are translated from the second XML item at the first computer (display 256 – Fig. 4G; recommendations - Fig. 3A-C; step 268, 270, 272 – Fig 4H; steps 254, 256, 258 – Fig. 4G) and after which the incoming instructions are compatible with the first computer language of the first operating system running on the first computer (Note: results from servers being displayed as browser recommendations for user to evaluate reads on browser-specific rendered output by the WAP mobile device only, i.e. not compatible with server OS) and are incompatible with the second computer language of the second operating system running on the second computer; and executing the incoming instructions to generate the output at the first computer (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C; step 268, 270, 272 – Fig 4H; steps 254, 256, 258 – Fig. 4G).

**As per claim 22**, Salmenkaita discloses wherein receiving incoming instructions relating to generating output comprises receiving instructions relating to generating visual or audio output (e.g. para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C; para 0280, pg. 23 ).

**As per claim 23**, Salmenkaita discloses wherein creating the first XML item corresponding to the outgoing instructions relating to generating output comprises generating at least a first XML tag defining the beginning of the first XML item, generating a data item corresponding to the instruction relating to generating output; and generating at least a second

XML tag defining the ending of the first XML item (e.g. para 0173-0174, pg. 14; Table D, E, pg. 14; para 0155, pg. 11; *processing instruction* – para 0163-0164, pg. 12).

**As per claim 24**, Salmenkaita discloses wherein transmitting the data defining the first XML item comprises transmitting the data defining one the first XML item using HTTP protocol (e.g. Fig. 6, para 0179, pg. 15; para 0266-0271, pg. 22; Fig. 3D).

**As per claim 25**, Salmenkaita discloses wherein creating incoming instructions relating to generating the output ((para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C) comprises identifying a first XML tag identifying the beginning of the XML item, identifying a data item corresponding to an input, and identifying a second XML tag identifying the ending of the XML item (e.g. XML 250, Fig. 4G; XML 250 – Fig. 4E).

**As per claim 26**, Salmenkaita discloses a method for providing remote computer access between computing systems with incompatible operating systems, comprising:

receiving a first user input instruction relating to a user input received via a first user interface of the first computer by a first operating system on the first computer using a first computer language, the first user input instruction being compatible with the first operating system and incompatible with a second operating system on the second computer using a second computer language (refer to claim 1);

creating data defining a first software object in a non-proprietary format (Fig. 3A; para 0172-0174, pg. 14; para 0167, pg. 13) corresponding to the first user input instruction relating to the user input;

transmitting the first software object from the first computer to the second computer (e.g. para 0085-0086, pg. 8; *Message 515, XML file 227* - Fig. 4C, D);

at the second computer, translating the first software object from the non-proprietary format to a second user input instruction compatible with the proprietary second operating system and incompatible with the first operating system (boxes 216, 240, 242, 244, 246 – Fig. 4D; boxes 240, 243, 244, 246, Fig. 4F);

executing the second user input instruction by the second computer (e.g. boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0177, pg. 15; Fig. 4E; para 0225-0227, pg. 18; Fig. 5; *receive ... service 368* – Fig. 5A; Fig 7A-B);

receiving data from the second operating system related to the second user input instruction being executed, the data defining a first system output instruction, the first system output instruction relating to the first user input instruction and being compatible with the second operating system executing on the second computer and incompatible with the first operating system on the first computer (Note: this step is treated as output data instruction related to first user input instruction is generated at server prior to transmission of data back to the client - boxes 216, 240, 242, 244, 246 – Fig. 4D; para 0177, pg. 15; Fig. 4E; para 0225-0227, pg. 18; Fig. 5; *receive ... service 368* – Fig. 5A; Fig 7A-B – refer to the USC § 112 Rejection);

creating data defining a second software object in the non-proprietary format that corresponds to the second user input instruction (XML 250, Fig 4E, 4G, 4F);

transmitting the second software object from the second computer to the first computer;

at the first computer, translating the second software object to a second system output instruction being compatible with the first operating system and incompatible with the second operating system; and executing the second system output instruction to render the user output

by the first computer on a second user interface (para 0272, pg. 22; browser - para 0279-282, pg. 23; recommendations - Fig. 3A-C; step 268, 270, 272 – Fig 4H; steps 254, 256, 258 – Fig. 4G).

**As per claim 27**, Salmenkaita discloses wherein transmitting the data defining the first and second software objects at least one XML item comprises using the HTTP protocol to transmit the first and second software objects data defining at least one XML item (e.g. first object: XML 235, 231, Fig. 4F; second object: XML 250, Fig 4G).

**As per claim 28**, Salmenkaita discloses wherein the first user interface (e.g. input 264, Fig. 4H; microphone 103, keypad 104 touch sensor audio sensor light sensor - Fig. 3) is different from the second user interface (step 256 – Fig. 4E; browser 102, Fig. 3B).

**As per claim 29**, refer to claim 28

**As per claim 30**, Salmenkaita discloses a system for remote computer access between computing systems with incompatible operating systems of claim 20, further comprising the second computing system (server 140 – Fig. 4B) having stored thereon software which when executed on the second computing system:

receives the outgoing software object from the first computing device (XML 227 Fig 4D; XML 235 Fig. 4F);

translates the first non-proprietary data script using a second device driver executing in conjunction with a second operating system executing on the second computer system into the user input instructions identified by the first computing system but operationally compatible with a second operating system executing on the second computer system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6) and operationally incompatible with the operating system executing on the first computer system;

executes the user input instructions compatible with the second operating system (steps 242, 244, 246 – Fig. 4D; step 243, 244, 246 – Fig. 4F; Method calls – Fig. 6; Fig 7A-B);

identifies system output instructions operationally compatible with a second operating system executing on the second computer system and operationally incompatible with the operating system executing on the first computer system, the system output instructions being responsive to the user input instructions identified by the first computing system (Note: method calls performed at client machine reads on identifying of second operating system instruction related to required output in response to requirements of incoming XML received from mobile device 100 - see Fig. 4D, 4F; Fig. 6),

translates the system output instructions into a second non-proprietary data script defining an incoming software object utilizing the second device driver (e.g. step 227, 242 – Fig. 4D), transmits the incoming software object (XML 250 – Fig 4G, 4F); and

a communications network operably coupled between the first computing system and the second computing system for transmitting the first and second non-proprietary data scripts defining incoming and outgoing software objects between the first computing system and the second computing system (XML 250 – Fig 4G, 4F).

#### ***Response to Arguments***

7. Applicant's arguments filed 9/3/2008 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

USC § 112 Rejection:

(A) Applicants have submitted that para 0020-0024 disclose data received by the client back from the server, so that the 'receiving' step is disclosed (Appl. Rmrs pg. 12 bottom, pg. 13 top



half). The only type of data received from the server (second operating system) has been identified as XML a non-proprietary format that would define how instructions can be derived to be used at the receiving end, which (i) render the language recited as 'compatible with the second operating system') inapposite in that necessary compatibility with the sender's OS is not nearly implicated, and (ii) teaches that those XML-based instructions (data defining first system output) to yield client side output cannot be incompatible with this receiving client, as recited in the claim ('and incompatible with the first operating system'). The argument is vague and largely insufficient.

**35 USC § 102 Rejection:**

(B) Applicants have submitted that voice instruction in Salmenkaita is incompatible with both the client and the server (Appl. Rmrks pg. 14) when Salmenkaita does not explicitly mention any problem or issue about data being incompatible with any stages of the respective OS. The first computer language of the client system is deemed that which is a translated or interpretable form to be executed or interpreted to yield output or to invoke other instructions, while the voice signals being cited fall under this form of signals that get interpreted to yield other form of data or triggers other processing steps at the client; and there is nothing incompatible with this form of signal based on whose interpretation or processing the client is able to make sense of these signals, in terms of effectuating the corresponding request form, and implementing the subsequent format for communicating to the server end. The sole reciting of 'compatible with' or 'incompatible with' without more specifics cannot preclude Salmenkaita's teachings as cited from being improper. The argument is non-persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims

define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference.

(C) Applicants disagree that mouse on the XP windows of the wireless client is incompatible with the XP system of the second computer, as proffered by the Office Action (Appl. Rmrks pg. 15 bottom, pg. 16 top). Applicants fail to point where exactly in Salmenkaita -- by way of facts - the data that arrive at the wireless device interface( of the client side) if inputted onto the OS of any server (say server 140 – Fig. 4D), that server OS would be easily accept those voice signals or keyboard inputs. One of ordinary skill in the art would not see how server 140 would be equipped with identical OS as the wireless of the client for that server to be compatibly operating with the type of signals that only the wireless interface can accept. The Applicants fail to provide factual rebuttal but rather use some non-factual pleading. The Office Action has interpreted the language of 'compatible' and 'incompatible' in a broad sense, and none of that broad sense acknowledges that the server 140 is identical to the OS of client or browser of device 100 (Fig. 1), a idea that only the Applicants seems to endorse without evidence. The argument is not conclusive.

(D) Applicants have submitted that Salmenkaita's voice commands are compatible with both server and wireless OS (Appl. Rmrks pg. 16, bottom) and no extrinsic evidence by Salmenkaita teaches the 'compatible with/incompatible with' requirements as recited. This allegation is referred back to sections B and C.

(D) Applicants have submitted that Salmenkaita fails to disclose 'translating the first user input instruction ... data script defining at least one XML item', because untranslated voice commands are sent, not XML (Appl. Rmrks pg. 17). The argument has been addressed AT

LENGTH in the previous Office Action 'Response to Arguments' and this argument remains insufficient.

The rest of the argument do not correlate to any particular and specific language of the claims, hence would not be addressed.

In all, the claims stand rejected as set forth in the Office Action.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

October 01, 2008